



Crl.O.P.(MD)No.21111 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.21111 of 2023

Kannan

... Petitioner/ Accused No.2

Vs.

The Inspector of Police,
Santhankulam Police Station,
Thoothukudi.
(In Crime No.144 of 2023)

... Respondent/ Complainant

PRAYER : Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to set aside the dismissal order of the condition modification petition in Cr.M.P.No.6794 of 2023 dated 31.10.2023 passed by the learned Principal Sessions Judge, Thoothukudi.

For Petitioner	:	Mr.S.Manoj Kumar, Advocate
For Respondent	:	Mr.SS.Madhavan, Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to set aside the order passed in Cr.M.P.No.6794 of 2023 dated 31.10.2023 by the learned Principal Sessions Judge, Thoothukudi.

2.The learned counsel appearing for the petitioner would submit that the petitioner was implicated as A2 in Cr.No.144 of 2023 by the respondent police for the



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offence punishable under Sections 341, 294(b), 427, 387 and 506(ii) IPC and he preferred anticipatory bail petition before the learned Principal Sessions Judge, Thoothukudi. Subsequently, he was enlarged on anticipatory bail vide order in Cr.M.P.No.5856 of 2023, dated 21.09.2023 on condition that the petitioner should appear before the respondent police daily at 10.00 am., for a period of one month. He would further submit that the petitioner is working at Chennai and hence, he filed a modification petition in Cr.M.P.No.6794 of 2023 praying to modify the condition by directing the petitioner to appear before the Neelankarai Police Station and the same was dismissed on 31.10.2023. Challenging the same, the present petition came to be filed.

3.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the Court below, after considering all aspects, rightly dismissed the petition, which does not warrant any interference by this Court.

4.Considering the facts and circumstances of the case and considering the fact that the petitioner is working at Chennai, this Court is inclined to modify the condition. Accordingly, the order passed by the Court below in Cr.M.P.No.6794 of 2023 dated 31.10.2023 is hereby set aside and the petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter, as and when required.



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5. In the result, this criminal original petition is allowed.

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Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns
To

1 THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI.

2 THE INSPECTOR OF POLICE, SANTHANKULAM POLICE STATION,
THOOTHUKUDI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.21111 of 2023

Date :05/01/2024

RS/VR/SAR-(11.01.2024) 3P 4C
Madurai Bench of Madras High Court is issuing
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